

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COSMOGRAPHIC SOFTWARE LLC,
A Connecticut limited liability
company,

Case No. 23-cv-13052

Plaintiff,

Hon. Mark A. Goldsmith
Mag. Anthony P. Patti

-v-

SETH FRANKLIN,

Defendant.

**AMENDED ORDER HOLDING DEFENDANT
SETH FRANKLIN IN CONTEMPT OF COURT**

On December 28, 2023 this Court ordered Defendant, Seth Franklin, to personally appear before the Court on January 4, 2024 (ECF No. 13) on Plaintiff's Motion to Enforce Restraining Order and for Order of Civil Contempt (ECF No. 11). Defendant did not appear for the January 4, 2024 hearing as ordered, and in fact had contacted the Court that morning to advise that he was aware of the proceedings and would not appear and had relocated to another unidentified state. At the hearing, testimony from Plaintiff's Chief Executive Officer was taken and it was established that, despite Franklin having received service of same, Franklin has not complied with any provision of either the Temporary Restraining Order (ECF No. 5) or of the

Preliminary Injunction subsequently served upon him, and that compliance with both could be had by electronic means. Plaintiff also produced a copy of Exhibit A to its subsequently filed *Motion for Order Compelling Defendant to Forthwith Restore to Plaintiff all its Confidential, Proprietary, Digital, and Other Assets and to Hold Defendant in Contempt of Court* (the “Motion”) – a document consisting of two Discord messages posted by Franklin on January 3, 2024 under his screen name “Fox Mulder.” In those messages, Franklin asserted that he would “destroy Cosmographic,” that he would not appear for the January 4, 2024 hearing, and that he expected that a warrant would be issued for his arrest following the hearing. See ECF No. 19, Exhibit A. Plaintiff filed a second motion for contempt (Dkt. 18) to supplement its earlier motion for contempt (Dkt. 11).

Based on the record, the Court’s direct observations, and the testimony given, this Court grants both contempt motions (Dkts. 11 and 18), finding by clear and convincing evidence that Franklin is in civil contempt for violating each of the provisions of the Temporary Restraining Order (ECF No. 5), the Preliminary Injunction (ECF No. 9) and the Order to Appear for the January 4, 2024 hearing (ECF No. 13). For the reasons stated on the record and in Plaintiff’s Motion, the Court now issues the following orders:

1. Within forty-eight (48) hours of service of this Order upon Defendant, Seth Franklin and all persons acting on his behalf and/or at his direction, shall deliver

to Plaintiff's CEO, Alexander Long, and using whatever lawful means necessary, all of Plaintiff's confidential and proprietary information and trade secrets, digital and other assets, wherever situated, together with exclusive access and control over its Discord and Reddit social media platforms. Compliance with this Order specifically requires Franklin to (i) provide Plaintiff with all passwords, files, administrative and "top mod" privileges, and all other information necessary to achieve these ends, and (ii) otherwise take all steps necessary to ensure that exclusive administrative control over Cosmographic's Discord and subReddit platforms associated with "SpaceEngine" is transferred to Cosmographic within said forty-eight (48) hour period.

2. Within forty-eight (48) hours of issuance of this Order, Defendant, Seth Franklin and all persons acting on his behalf and/or at his direction, shall deliver to Plaintiff's CEO, Alexander Long, an inventory and accounting of all of Plaintiff's assets of any kind or nature taken by Franklin, or otherwise possessed, controlled, and/or disseminated by him and/or others, including the identities of all present custodians and persons to whom such dissemination was made.

3. Defendant shall strictly comply with each of the terms of this Order, in addition to all provisions of the Court's Preliminary Injunction (ECF No. 9) and Temporary Restraining Order (ECF No. 5), except to the extent those orders are amended hereby. Further, within forty-eight (48) hours of service of this Order upon

him, Franklin shall file a statement with the Court certifying under oath his strict compliance with all the provisions of this Order and of the Court's Preliminary Injunction (ECF No. 9) and Temporary Restraining Order (ECF No. 5).

4. Should Franklin fail to comply with any provision of this Order, a warrant shall immediately issue directing the United States Marshall's Office and any other law enforcement officer to arrest Seth Franklin at any hour of any day and hold him until such time as the Court becomes satisfied that Franklin has complied with these orders.

5. Service of this Order and any other pleadings and papers filed in this proceeding upon Franklin shall be deemed effective if (i) served personally upon Franklin or an adult with whom he resides, or (ii) posted at or sent by first class mail to his last known address, 4027 Green Meadows Blvd., Apt. 112, Ypsilanti, Michigan. In addition, it shall be delivered electronically to Franklin's last known email address, L4Dmodswin@gmail.com. The Court finds that such means are reasonably calculated to place Franklin on notice of these proceedings and the undertakings required of him.

IT IS SO ORDERED.

Dated: January 9, 2024
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge